

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

GREGORY L. HITCHCOCK,

Plaintiff,

v.

BERING STAR LLC,

Defendant.

AT LAW AND IN ADMIRALTY

Case no: 2:21-cv-01475-JHC

**JOINT MOTION AND
ORDER TO EXTEND
DISCOVERY DEADLINES**

STIPULATED MOTION

Plaintiff and Defendant (the “Parties”), by and through the undersigned counsel, stipulate to entry of an order extending the expert disclosure and discovery deadlines, as well as the deadlines for related motion practice. The Parties submit that good cause is shown on the basis of the following:

1 1. This maritime personal injury lawsuit arises from neck and back injuries
2 plaintiff Greg Hitchcock (“Mr. Hitchcock”) allegedly sustained aboard the F/V BERING
3 STAR on or about May 30, 2020.
4

5 2. The parties previously moved this District Court to extend pretrial
6 deadlines and continue trial based on Mr. Hitchcock’s ongoing medical treatment. (Dkt.
7 14) At that time, Mr. Hitchcock was awaiting his initial consultation at Fourth Corner
8 Neurosurgical (“Fourth Corner Neuro”) in Bellingham. The consultation took place on
9 August 30, 2022, as scheduled. The physician at Fourth Corner Neuro ordered a
10 psychological evaluation and a thoracic spine MRI to confirm Mr. Hitchcock’s fitness to
11 undergo implantation of the spinal cord stimulator. For reasons the Parties can only
12 speculate to, neither the eval, nor the MRI have taken place, despite inquiries to Fourth
13 Corner Neuro from the patient, the adjustor, and law offices.
14
15

16 3. The Parties are cautiously optimistic that these two prerequisites, as well as
17 the actual implantation procedure will occur in the next two months. The Parties wish to
18 keep the May 15, 2023 trial. They have worked amicably together, *inter alia*, to
19 exchange written discovery, conduct depositions, and inspect the vessel. The Parties
20 therefore do not anticipate any discovery motions will be required. Also, given that this
21 is a Jones Act negligence case, the Parties do not anticipate any dispositive motions.
22 Finally, the parties have agreed on a mediator and plan to mediate in the new year.
23
24

25 WHEREFORE, for the foregoing reasons, the Parties respectfully request that this
26 District Court amend the case schedule consistent with the following chart:
27
28

Pretrial Deadline	Current Date	Proposed Date
Disclosure of expert testimony under FRCP 26(a)(2)	November 16, 2022	January 13, 2023
All motions related to discovery must be filed by: (<i>see</i> LCR 7(d))	December 16, 2023	January 25, 2023
Discovery completed by:	January 17, 2023	February 10, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by: (<i>see</i> LCR 7(d))	February 14, 2023	March 3, 2023

If the Court is disinclined to extend the deadlines consistent with the foregoing chart, the Parties request a Rule 16 conference to discuss scheduling.

DATED this 4th day of November, 2022.

ANDERSON CAREY WILLIAMS & NEIDZWSKI

/s/ Douglas R. Williams

DOUGLAS R. WILLIAMS, WSBA No. 43823

23 Bellwether Way, Suite 101

Bellingham, WA 98225

Attorneys for Plaintiff

&

NICOLL BLACK & FEIG, PLLC

/s/ Jeremy B. Jones

JEREMY B. JONES, WSBA No. 44138

SHANTRICE D. ANDERSON, WSBA No. 51733

1325 Fourth Avenue, Suite 1650

Seattle, WA 98101

Attorneys for Defendant

ORDER

Based upon the Parties' Stipulation, and the Court being fully advised in the premises, it is now, therefore, ORDERED, ADJUDGED and DECREED, that the Case Schedule in the above captioned matter be amended to reflect the following changes:

Disclosure of expert testimony under FRCP 26(a)(2)	January 13, 2023
All motions related to discovery must be filed by: (<i>see</i> LCR 7(d))	January 25, 2023
Discovery completed by:	February 10, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by: (<i>see</i> LCR 7(d))	March 3, 2023

DATED this 7th day of November, 2022.



THE HONORABLE JOHN H. CHUN